

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

BOULDER DEVELOPMENT CORPORATION,

Plaintiff,

vs.

CITY OF ST. CLAIR,

Defendant.

Case No.

(Removed from the Circuit Court  
of Franklin County, Missouri,  
Case No. 20AB-CC00185)

**Jury Trial Demanded**

**NOTICE OF REMOVAL**

Defendant City of St. Clair, Missouri hereby removes the above-captioned action, Cause No. 20AB-CC00185, currently pending in the Circuit Court of Franklin County, Missouri, to the United States District Court for the Eastern District of Missouri. Removal is based upon 28 U.S.C. §§ 1331, 1441, and 1446.

As grounds for removal, Defendant states the following:

1. On or about August 12, 2020, Plaintiff Boulder Development Corporation filed a Petition in the Circuit Court of Franklin County, Missouri. The state court action was assigned Cause No. 20AB-CC00185. Plaintiff's Petition, excluding its numerous exhibits, is attached hereto as Exhibit A.

2. No summons was issued in this matter.

3. Defendant accepted service of Plaintiff's Petition on October 30, 2020; thus, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446.

4. Pursuant to Local Rule 2.03, a complete copy of the state court file and docket sheet is attached hereto as Exhibit B.

5. Plaintiff's Petition includes, *inter alia*, claims of Inverse Condemnation in violation of the 5th and 14th Amendments of the Constitution of the United States (Count V) and claims

brought pursuant to 42 U.S.C §§ 1983 for alleged 5<sup>th</sup> and 14<sup>th</sup> Amendment due process and takings clause violations (Count VI).

6. Accordingly, this matter, in its entirety, is properly removable because this Court has original jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 because the action includes claims arising under the Constitution, laws, or treaties of the United States.

7. Given the federal claims currently made and at issue in this lawsuit, this Court also has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367. All state law claims raised by Plaintiffs are so related to the federal claims at issue as to form part of the same case or controversy.

8. This matter has been removed to the proper Court because this Court is part of the “district and division embracing the place where” this action was filed — Franklin County, Missouri. 28 U.S.C. § 1446(a).

9. The original Petition (less voluminous exhibits, which are included in the complete state court file also submitted herewith), attached hereto as Exhibit A, contains all information needed for this Court to determine that removal is proper.

10. Accompanying and attached to this Notice of Removal is a Civil Cover Sheet for filing in this Court.

11. Also accompanying and attached to this Notice of Removal is an Original Filing Form.

12. Defendant has given written notice to Plaintiff of the filing of this Notice of Removal and will file a copy of this Notice of Removal with the Clerk of the Circuit Court of Franklin County, State of Missouri, as required by 28 U.S.C. § 1446.

WHEREFORE, this action should proceed in the United States District Court for the Eastern District of Missouri, as an action properly removed thereto.

Respectfully submitted,

BEHR, MCCARTER & POTTER, P.C.

By: /s/ Timothy J. Reichardt  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was filed via the Court's ECF system and served this 12th day of November, 2020, by sending the same by electronic mail and United States Mail, first class, postage pre-paid and addressed to:

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/s/ Timothy J. Reichardt